

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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|------------------------|---|------------------------------|
| RAHIM SALAAM, #259238, |) | |
| |) | |
| Plaintiff, |) | Case No. 5:05-cv-97 |
| |) | |
| v. |) | Honorable Robert Holmes Bell |
| |) | |
| KENNETH McKEE, |) | |
| |) | |
| Defendant. |) | <u>ORDER</u> |
| |) | |

In accordance with the memorandum opinion filed this date:

IT IS ORDERED that plaintiff's objections (docket # 71) are OVERRULED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (docket # 70), as supplemented by the accompanying memorandum opinion, is ADOPTED as the court's opinion.

IT IS FURTHER ORDERED that plaintiff's motions labeled as motions for preliminary injunctions (docket #'s 26, 28, 65) are DENIED.

IT IS FURTHER ORDERED that all plaintiff's claims for injunctive relief are DISMISSED as moot.

IT IS FURTHER ORDERED that plaintiff's motion to amend his first amended complaint (docket # 71) and supplemental motion to amend (docket # 74) are GRANTED IN PART AND DENIED IN PART. The motions are GRANTED to the extent that paragraph VI of plaintiff's first amended complaint (docket # 7) is deemed amended instanter to include a claim for monetary

damages against defendant in his individual capacity in the following amounts based on defendant's alleged violation of plaintiff's rights under the First Amendment's Free Exercise Clause:

1) \$10,000 for the loss of every [F]riday Muslim service not scheduled at the correct time of Juma, according to Islamic practice starting at Plaintiff's arrival and [ending at plaintiff's] departure from IBC.

2) \$10,000 for punitive damages for every [F]riday Plaintiff was denied [his right] to practice his religion during Juma.

Total monetary damages sought for seventy-seven (77) [F]ridays not scheduled at the correct time of Juma is: One Million Five Hundred Forty Thousand (\$1,540,000) dollars.

Plaintiff's motion to amend and supplemental motion to amend are DENIED in all other respects.

IT IS FURTHER ORDERED that defendant's motion for summary judgment (docket # 18) is DISMISSED without prejudice. Defendant remains free to file a new motion for summary judgment addressing plaintiff's only remaining claim: a claim for monetary damages against defendant in his individual capacity based on defendant's alleged violation of plaintiff's First Amendment rights under the Free Exercise Clause.

Date: September 7, 2006

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

CHIEF UNITED STATES DISTRICT JUDGE